

BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. 2021-259-C

October 6, 2021

IN RE: Petition of the South Carolina Office of)	MOTION FOR DEFAULT
Regulatory Staff for the Commission to)	JUDGMENT AND ORDER
Order a Rule to Show Cause as to Why)	REVOKING CERTIFICATES
the Certificates of Public Convenience)	FOR FAILURE TO ANSWER
and Necessity for Certain Providers of)	
the Telecommunications Services Should)	
Not Be Revoked)	

The South Carolina Office of Regulatory Staff (“ORS”) pursuant to 10 S.C. Code Ann. Regs. § 103-829, 830 and Rule 55 of the South Carolina Rules of Civil Procedure files this Motion for Default Judgment and for an Order Revoking the Certificates of Public Convenience and Necessity (“Motion”) of the Telecommunications Company’s (“Respondents”) identified in the attached Revised Exhibit A based on the Respondents failure to Answer the ORS Petition in this docket. In support of its Motion, ORS asserts that:

1. ORS is a state agency with its offices located at 1401 Main Street, Suite 900, Columbia, South Carolina 29201 and charged with the duty to protect the public interest pursuant to S.C. Code Ann. § 58-4-10, et seq. (Supp. 2014).

2. The Respondents listed in Revised Exhibit A are certificated “telephone utilities” as defined in S.C. Code Ann. § 58-9-10(6) (2015) in that they are persons or corporations, their lessees, assignees, trustees, receivers or other successors in interest owning or operating in this State equipment or facilities for the transmission of intelligence by telephone for hire, including

all things incident thereto and related to the operation of telephones. Revised Exhibit A also includes wireless carriers which received ETC designation in South Carolina and agreed through a Stipulation to file certain reports with the Commission and/or ORS.

3. The Companies listed in Revised Exhibit A are subject to the jurisdiction of this Commission pursuant to S.C. Code Ann. § 58-9-710 et seq. (2015). Further, they have submitted themselves to the jurisdiction of the Commission by holding a Certificate of Public Convenience and Necessity and/or having requested and received Eligible Telecommunications Designation in the State of South Carolina pursuant to federal and state requirements.

4. On or about August 10, 2021 ORS filed a Petition and Petition Exhibit A with the Commission requesting that the Commission revoke the Certificates of Public Convenience and Necessity (“Certificates”) of twelve (12) telephone utilities that had failed to either submit their Gross Receipts Report, 2020 Annual Telecommunications Report, USF Contribution Worksheet and/or pay Gross Receipts Fees, failed to obtain customer authorization for change of utility provider service, and/or failed to respond to ORS regarding consumer complaints pursuant to S.C. Code Ann. §§ 58-3-100, 58-3-540, 58-4-60, 58-9-280(E), 58-9-370, 58-9-370(A), 58-9-390, 58-3-230 (Supp. 2014), 10 S.C. Code Regs. 103-628 and the Commission USF guidelines originally approved in Order No. 2001-996 and modified by Order 2016-756.

5. Since ORS filed its Petition, three (3) carriers listed on the Petition Exhibit A have come into compliance. Nine (9) carriers remain out of compliance as of today’s date. Those nine (9) carriers are listed in the attached Revised Exhibit A. See Exhibit B, Affidavit of Clayton Vaughn.

6. Respondents listed in Revised Exhibit A were named, and served with, the ORS Petition in this docket.

7. On August 25, 2021, the Commission issued a Thirty Day Notice (“Notice”) instructing the Respondents to file an Answer with the Commission responding to the allegations in the ORS Petition and to serve a copy of such Answer on ORS. The Notice advised Respondents that if an Answer was not filed within thirty days after service, exclusive of the day of service, ORS would be permitted to apply to the Commission for the relief demanded in the Petition.

8. The thirty-day deadline for filing an Answer set in the Notice dated August 25, 2021 has since passed. Respondents listed in Revised Exhibit A have failed to file any form of responsive pleading with the Commission. Pursuant to Rule 55(a) of the S.C. Rules of Civil Procedure, “when a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend as provided by these rules and that fact is made to appear by affidavit or otherwise, the clerk shall enter his default upon the calendar.” In the instant matter, the Commission properly served the Respondents at the addresses of their principal places of business which Respondents have provided to ORS and the Commission.

9. Respondents to this Motion listed in Revised Exhibit A have failed to file a responsive pleading, or make required payment, or submit required reports.

10. 10 S.C. Code Ann. Regs.103-830(A)(2) (2012) provides that if a defendant fails to timely file an answer, unless an extension is granted, the defendant is deemed in default and all relevant facts are deemed admitted. No extension of time for filing an Answer has been requested by any of the Respondents in this matter. ORS therefore requests that the Commission enter an Order for default judgment against the named Respondents to this Motion listed in Revised Exhibit A.

WHEREFORE, the ORS respectfully requests that the Honorable Commission:

Enter an Order finding that the Respondents named herein as specified in the attached Revised Exhibit A are in default in this matter and granting the relief demanded in the ORS Petition;

1. Provide in such Order that the Certificates of the Respondents listed in Revised Exhibit A are revoked as demanded in the ORS Petition; and
2. For other appropriate action which the Commission may deem necessary.



C. Lessie Hammonds
Office of Regulatory Staff
1401 Main Street, Suite 900
Columbia, South Carolina 29201
803-737-0800
lhammonds@ors.sc.gov

October 6, 2021
Columbia, South Carolina

OUT OF COMPLIANCE TELEPHONE UTILITIES
(An X indicates the report or payment was not received by the Office of Regulatory Staff or DOR)

Company	Gross Receipts Report	Gross Receipt Payment	Annual Report Filing	USF Worksheet	Slamming	Failure to Respond	Certificate Type	Address	Certificate Docket	Order Granting Authority	Standing w/ Secretary of State	Registered Agent
Column A	Column B	Column C	Column D	Column E	Column F	Column G	Column H	Column I	Column J	Column K	Column L	Column M
American Telecommunications Systems, Inc.			X	X			IXC	107 W Michigan Ave, 4 th Floor, Kalamazoo, MI 49007	1997-66-C	1997-652	Good Standing	B. Allston Moore Jr. 5 Exchange St Charleston, SC 29401
City Communications Inc			X				CLEC & IXC	300 Village Center Dr. Ste 1103, Woodstock, GA 30188	2019-100-C	2019-493	Forfeited	InCorp Services Inc. 317 Ruth Vista Rd Lexington, SC 29073
Infinity Networks, Inc	X						PSP	309 East Mark St, Marksville, LA 71351	2013-421-C	2016-425	Good Standing	CT Corporation 2 Office Park Ct. Ste 103 Columbia, SC 29223
Jaroth Inc dba Pacific Tele management Service	X						PSP	2001 Crow Canyon Rd, Ste 201, San Ramon, CA 94583	1985-150-C	2002-570	Forfeited	CT Corporation 2 Office Park Ct. Ste 103 Columbia, SC 29223
Ocean Terminal Corp. Com-Tech Division	X						PSP	PO Box 182, Mt. Pleasant, SC 29464	1985-150-C	1997-61	Forfeited	
Opex Communications Inc dba TCL Long Distance			X	X			IXC	3777 Long Beach Blvd, Ste 400, Long Beach, CA 90807	1998-471-C	1999-142	Forfeited	CT Corporation System 2 Office Park Ct. Ste 103 Columbia, SC 29223
Payphone Partners, Inc	X						PSP	2520 Sardis Rd N, Ste 100, Charlotte, NC 28227	1985-150-C	1999-586	Good Standing	Tony Oxendine 2640 Goldeneye Ridge Sumter, SC 29150
Total Holdings, Inc dba GTC Communications	X		X	X			IXC	3777 Long Beach Blvd, Ste 400, Long Beach, CA 90807	2008-440-C	2009-171	Forfeited	CT Corporation System 2 Office Park Ct, Ste 103 Columbia, SC 29223
Touchtone Communications			X				IXC	16 South Jefferson Rd, Whippany, NJ 07981	2002-364-C	2009-139	Good Standing	Cogency Global Inc. 2 Office Park Ct, Ste103 Columbia, SC 29223

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DOCKET NO. 2021-259-C

October 6, 2021

IN RE: Petition of the Office of Regulatory Staff for)
the Commission to Order a Rule to Show)
Cause as to Why the Certificates of Public)
Convenience and Necessity for Certain)
Providers of Telecommunications Services)
Should Not Be Revoked for Failure to File)
Gross Receipts Reports, Annual Reports,)
South Carolina USF Contribution)
Worksheets, and/or Pay Gross Receipts Fees)

**AFFIDAVIT OF
CLAYTON
VAUGHN**

The Affiant, after having been first duly sworn, deposes and states as follows:

1. I, Clayton Vaughn, am employed by the South Carolina Office of Regulatory Staff (“ORS”) as a Telecom Specialist, in the ORS’s Telecommunications Department.
2. My office is located at 1401 Main Street, Suite 900, Columbia, South Carolina 29201.
3. My duties and responsibilities as the Telecom Specialist include enforcements of the Commission Regulations, Orders, and Directives. Additionally, I review tariff revisions and initially proposed tariffs determine compliance with Commission requirements and statutory requirements as well as Applications filed by new telephone utilities. Also, I am involved in the daily operations and management of the South Carolina Universal Service Fund.
4. It is the regular business practice of ORS to enforce relevant statutes and regulations for telephone utilities constructing network facilities and/or providing telecommunications service for hire to consumers in South Carolina.

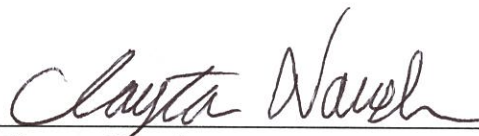
EXHIBIT B

5. Because of my duties and responsibilities, I have knowledge of the required filings of telephone reports and assessments or fees required to be submitted to or collected on behalf of the Office of Regulatory Staff.
6. On or around July 1, 2021 I examined the Department of Revenue ("DOR") Outstanding Receivables Report which was provided to ORS on or about March 1, 2021. The DOR Outstanding Receivables reports are provided to ORS by DOR monthly as a means of providing ORS with a list of those regulated telecommunications carriers which are delinquent in their payment of Annual Gross Receipts Assessment owed under the provisions of S.C. Code Ann. §58-3-100 (2015). The Outstanding Receivables Report contains a year-by-year list of those telecommunications carriers which have outstanding gross receipts assessments and the amount of such unpaid assessments.
7. Because of that examination, I attest that to ORS' knowledge the DOR Outstanding Receivables Report accurately lists those telecommunications carriers which have failed to comply with the provisions of S.C. Code Ann. § 58-3-100, S.C. Code Ann. §58-3-540, and S.C. Code Ann. §58-4-60,(Supp. 2019) in that they have failed to pay their Annual Gross Receipts Assessment(s) as of July 1, 2021. In addition, I attest that other carriers have failed to file Annual Reports, Gross Receipts Reports, and USF Worksheets. Revised Exhibit A attached hereto lists the non-compliant telephone utilities carriers and was prepared by me from the information provided in the DOR Outstanding Receivables Report and other information maintained in the offices of the ORS available to me to determine whether telecommunications carriers have submitted Commission required reports.

EXHIBIT B

8. I attest that to the best of my knowledge, the list of delinquent carriers and unpaid assessments provided ORS by DOR and the other information listed in Revised Exhibit A are accurate.

AND FURTHER THE AFFIANT SAYETH NOT.

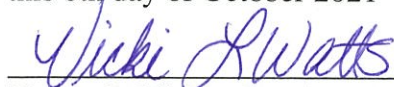


Clayton Vaughn
Telecom Specialist, Telecommunications

Department

South Carolina Office of Regulatory Staff
1401 Main Street, Suite 900
Columbia, South Carolina 29201

Sworn and subscribed before me
this 6th day of October 2021



Notary Public for South Carolina

My Commission Expires: 10/16/23